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April 24, 2023

## **BY ECF**

The Hon. Victor Marrero  
United States District Court for the  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

**Re: *In re Peerless Networks, Inc. v. AT&T Corp.*,  
Civil Action No. 15-CV-870 (VM)(VF)**

Dear Judge Marrero:

We write on behalf of AT&T Corp., in response to the Court's Decision and Order dated April 11, 2023, which (a) overruled Peerless Networks, Inc.'s objections to Magistrate Judge Figueroa's January 31, 2023 Report and Recommendation; (b) denied Peerless Network, Inc.'s March 11, 2022 Motion to Enforce Settlement Agreement; and (c) directed the parties to submit, by April 24, 2023, any proposed redactions to said Decision and Order. (D.E. 240) We have consulted with counsel for Peerless Network, Inc., and, with counsel's consent, we respectfully write to jointly request redactions of certain items from the Decision and Order pursuant to, and consistent with, prior Orders entered in this case respecting the confidentiality of materials. (D.E. 28 ¶ 7; D.E. 125 at 2 n.1; D.E. 130; D.E. 212; D.E. 219; D.E. 230; D.E. 233.)

In particular, enclosed herewith are copies of the Decision and Order with proposed redactions of certain words on pages 2-10 and 14-19 of the Decision and Order. The intent of each proposed redaction is to conceal from the public record certain confidential provisions of the confidential settlement agreement at issue in these post-judgment proceedings as well as confidential aspects of the parties' respective businesses, including sensitive pricing terms and AT&T's business dealings with other third-party providers. As previously reported to the Court, these confidential settlement provisions and business terms reflect and embody highly-sensitive business data, the disclosure of which to third-party competitors could be detrimental to the parties' business. (*See, e.g.*, D.E. 196 at 2.) By contrast, the public can still gain a robust understanding of the legal issues discussed in the Decision and Order based on the un-redacted terms.

For the reasons stated at Dkt. No. 212, the proposed redactions to the Decision & Order dated April 11, 2023 (Dkt. No. 240) are approved. The parties are directed to file the redacted version of the Decision & Order by Friday, April 26, 2023.

**SO ORDERED.**

4/26/2023

DATE

  
VICTOR MARRERO, U.S.D.J.

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For the foregoing reasons, the parties respectfully request that the Court make available to the public a copy of the enclosed, redacted the Decision and Order or, alternatively, a similar copy of the Decision and Order reflecting the same proposed redactions.

We thank the Court for its consideration of this matter and are available to address any questions the Court might have

Respectfully submitted,

*/s/ Brian A. McAleenan*

Brian A. McAleenan

cc: Counsel of Record (via ECF)  
Encl.